

UNITED STATES DISTRICT COURT

FILED
STATESVILLE, N.C.

for the

OCT 29 2008

Western District of North Carolina

U.S. DISTRICT COURT
W. DIST. OF NC

United States of America)

v.)

ANDRE LAMONT GIBBS)

Case No: 5:98CR192-007

USM No: 13671-058

Date of Previous Judgment: January 19, 2000)

Tanzania C. Cannon-Eckerle

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 140 months is reduced to time served.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 29Amended Offense Level: 27Criminal History Category: VCriminal History Category: VPrevious Guideline Range: 140 to 175 monthsAmended Guideline Range: 120 to 150 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation

Except as provided above, all provisions of the judgment dated January 19, 2000 shall remain in effect.

IT IS SO ORDERED.

Order Date: October 29, 2008

Effective Date: _____
(if different from order date)



Richard L. Voorhees
United States District Judge

